IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2552 OF 2005

The Laxmi Education Society — Petitioners
vs.
Smt.Sunanda R.Nagrane & ors. — Respondents

Mr.P.P.Chavan i/b.M/s.Madekar & Co. for the petitioners.

Mr.Y.V.Divekar i/b.M/s.Divekar & Co. for respondent no.1.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 19th October, 2006

P.C.

The petitioners have approached this court against the order of the Maharashtra State Human Rights Commission dated 5.5.2005. Based on a complaint filed by respondent no.1 before the Grievance Committee of the Management Council of the University of Mumbai, certain directions were issued by the Commission. It is submitted on behalf of the petitioners that the matter pertains to service conditions which is exclusively within the jurisdiction of the authorities created under the provisions of the University Act, Rules and Regulations which are framed thereunder. Our attention is also invited to the judgement of this court in the **State of Maharshtra vs.Shobha Vitthal Kolte & ors, 2006(1) All M.R. 188,** wherein we have considered the

jurisdiction of the Commission in such matters. We had therein observed as under:

> . "Once a petitioner comes before a Commission complaining of violation of human rights based on a right created under the Statute and the Statute itself provides a mechanism for redressal by way of appeal, revision or otherwise, the Commission ordinarily should not entertain a complaint and direct the parties to pursue their remedy under the Statute".

2. Considering the above, in our opinion, the Commission ought not to have exercised jurisdiction in this matter and consequently the impugned order dated 5.5.2005 is quashed and set aside. It is made clear that it will be open to the respondents to pursue their remedy which they have before the Competent Authority.

3. Rule made partly absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)